

**UNITED STATES DISTRICT COURT**  
for the  
District of Nebraska

United States of America

v.

David Cress

Case No: 8:09CR419

USM No: 23415-047

Date of Original Judgment: 01/03/2011

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Richard H. McWilliams

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 151 months is reduced to 130 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 01/03/2011 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 11/05/2015

Effective Date: \_\_\_\_\_  
(if different from order date)



Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

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**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

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David Cress

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:09CR419

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 29

Amended Total Offense Level: 27

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 130 to 162 months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

The Defendant's pro se Motion to Reduce Sentence - USSC Amendment (Filing No. 75) is granted, the Defendant's Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 81) is granted, and the parties' Stipulation regarding the Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 82) is approved.